IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA:

CWP.No.1084-2004

Date of Decision :1.5.2007.

Sohan Singh. ….Petitioner.

Versus:

State of H.P. and others. …Respondents.

Coram:

The Hon'ble Mr.Justice Sanjay Karol, Judge.

Whether approved for reporting?[1]

For the petitioner: Mr.A.K.Gupta, Advocate.

For Respondent. Mr.C.B.Singh, Dy.Advocate General.

Sanjay karol, J (Oral).

The challenge to the impugned award dated 11th May, 2000 is on the limited ground that no finding has been returned on the second part of the reference made by the Government. There is determination only with regard to the violation of provisions of Section 25(F) of the Industrial Disputes Act. The learned counsel submits that the Tribunal ought to have also considered and decided the issue of violation of provisions of Section 25-G & 25-H of the Industrial Disputes Act, 1947 (hereinafter referred to as `the

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[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

Act').He further submits that the persons junior to the petitioner have been retained by the respondents. A perusal of the award would show that in spite of specific reference in this regard, no finding has been returned at all.He requests the matter be remanded on this limited point.

The challenge to the award is on the limited ground that no finding has been returned by the Presiding Judge, Labour Court, Shimla with regard to violation of Section 25-G and 25-H of the Act. As far as findings on Section 25-F of the Act are concerned, it is clarified that there is no challenge and the order qua the same is not disturbed. The matter is remanded back on a limited point. Since the matter is old, the Tribunal is expected to decide the matter on or before 31st July, 2007. The parties undertake to appear before the authority concerned on 14th May, 2007. The learned Presiding Judge shall decide the issue with regard to the applicability of provisions of Section 25-G and 25-H of the Act. Therefore, on this limited ground, the impugned award dated 11th May, 2000 is remanded back for consideration. The writ petition is accordingly disposed of.

(Sanjay Karol),
Judge.

May 1, 2007(R)